

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMES PLAS SAMS,

Plaintiff,

v.

LEANNA LUNDY, et al.,

Defendants.

Case No. 1:23-cv-0172 JLT HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE**

(Doc. 17)

James Plas Sams initiated this action seeking to hold fifteen defendants liable for various violations of his civil rights pursuant to 42 U.S.C. § 1983. (Doc. 1.) The assigned magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A. The magistrate judge found Plaintiff's claims were misjoined and he failed to state a cognizable claim. (*See generally* Doc. 12.) Therefore, Plaintiff was directed to take one of the following actions: (1) file an amended complaint, (2) file a notice to stand on his complaint subject to a recommendation it be dismissed, (3) file a notice of voluntary dismissal. (*Id.* at 10.) Plaintiff moved for reconsideration, which was denied. (Docs. 13, 15.) After Plaintiff failed to take any action related to his deficient complaint, the magistrate judge recommended the action be dismissed for failure to prosecute and failure to comply with the Court's order. (Doc. 17.) Although the Court served the order at the only address on record, the U.S. Postal Service returned the document as "Undeliverable, Return to Sender, not Deliverable as Addressed" on February 29, 2024.

1 According to 28 U.S.C. § 636(b)(1), the Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
3 are supported by the record and proper analysis. Moreover, pursuant to Local Rule 183(b), a
4 notice of a change of address was due no later than May 2, 2024. Because Plaintiff failed to keep
5 the Court informed of a proper mailing address, dismissal is also appropriate for his failure to
6 comply with Local Rule 183(b). *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
7 (dismissal for noncompliance with local rule); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir.
8 1988) (dismissal for failure to comply with the local rule requiring pro se plaintiffs to keep court
9 apprised of address). Thus, the Court **ORDERS**:

- 10 1. The Findings and Recommendations issued on February 13, 2024 (Doc. 17) are
11 **ADOPTED** in full.
- 12 2. This action is dismissed without prejudice.
- 13 3. The Clerk of Court is directed to close this case.

14
15 IT IS SO ORDERED.

16 Dated: **May 17, 2024**


UNITED STATES DISTRICT JUDGE